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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,413	06/05/2001	Masahiro Shioji	010728	1839

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EXAMINER

TRAN, NHAN T

ART UNIT PAPER NUMBER

2615

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,413

Applicant(s)

SHIOJI, MASAHIRO

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 1/13/2006, with respect to claims 1, 3-5 & 7-9 have been fully considered and are persuasive. The rejection of these claims has been withdrawn. However, upon further consideration, these claims are moot in view of new ground(s) of rejection.

Claim Objections

2. Claim 5 is objected to because of the recitation of "said selector is able to select another **file** identification number" which should be changed to -- said selector is able to select another **folder** identification number --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 7 & 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Rekimoto (US 2003/0052907 A1).

Regarding claim 1, Rekimoto discloses an image reproducing apparatus (personal notebook computer with a built-in camera 23; Fig. 1 and [0054]) comprising:

an attacher (PC memory card at slot 12 or hard disk HDD 56; see Figs. 1 & 7, [0056] & [0059]) to be attached with a recording medium in which a plurality of folders (i.e., ID_123, ID_456,... as illustrated by Demo 1 below) for managing a plurality of image files are formed (see [0064] and note that the notebook computer is installed with Windows 95 or 98 which inherently comprises the folder/file navigation or so called Windows Explorer for navigating folders/files as shown in Demo 1 generated by the Examiner using a conventional personal computer having Windows XP installed. It should be noted that fundamental features of Windows Explorer of Windows 95 or 98 are the same as those of Windows XP with respect to detecting, selecting and displaying the folder identification numbers and a count of number of image files contained in each folder. If the Applicant requests for evidence to support such features in Windows Explorer of Windows 95 or 98, the Examiner will provide evidence by generating the same results as shown in Demos 1 to 5 in the next Office Action using Windows 95 or 98. Due to a time constraint for the Examiner to obtain installation of the Windows 95 or 98 into the Examiner's computer, the Examiner would like to provide a simplified Manual for Windows 95 & 98 in the Notice of Cited References to reserve a full support of the inherency in the next Office Action if necessary);

a folder number detector (CPU in combination with the Windows Operating System) for detecting folder identification numbers (i.e., ID_123, ID_456,... see Demo 1

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below) which respectively represent the folders formed in said recording medium (see [0059] – [0064]);

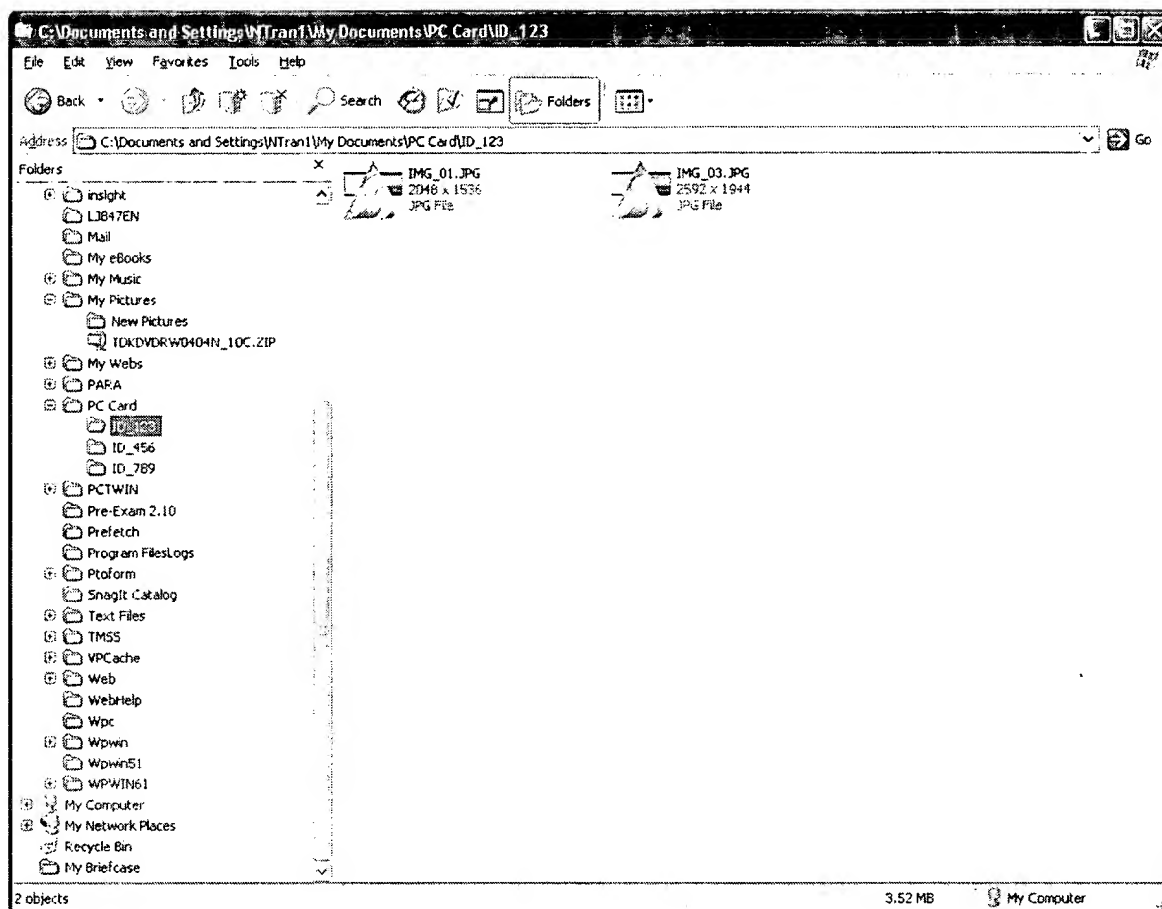
a folder number displayer (LCD 21; Fig. 1; [0057]) for displaying on a screen the folder identification numbers detected by said folder number detector (see Demo 1);

a selector (a track point, mouse or keyboard; Fig. 1) for selecting any one of the folder identification numbers displayed by said folder number displayer (see Demo 1, wherein a selected folder is highlighted);

a file number detector (CPU in combination with the Windows Operating System) for detecting a count of the number of image files (i.e., 2 image files in folder ID_123 and 3 image files in folder ID_456; see a bottom line in Demos 1 & 2) managed by the folder holding the folder identification number selected by said selector;

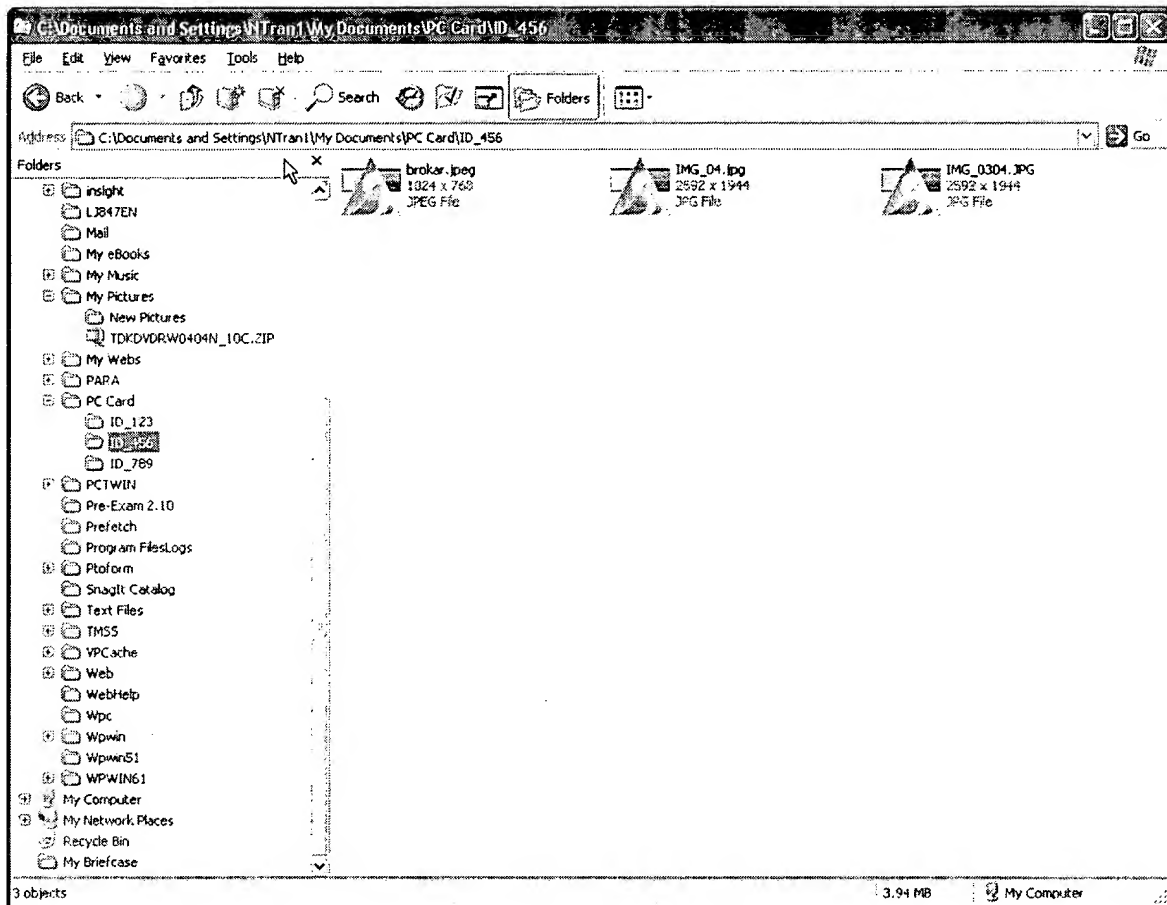
a file number displayer (display 21 in combination with CPU and Windows Operating System) for displaying the count detected by said file number detector on the screen on which the folder identification numbers are displayed by said folder number displayer, wherein the count of the number of image files and the folder identification numbers are displayed at the same time (see Demos 1 & 2).

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Demo 1: Microsoft Windows explorer for Windows 95 to Windows XP shows folder ID_123 and a count of the number of image files as "2 objects."

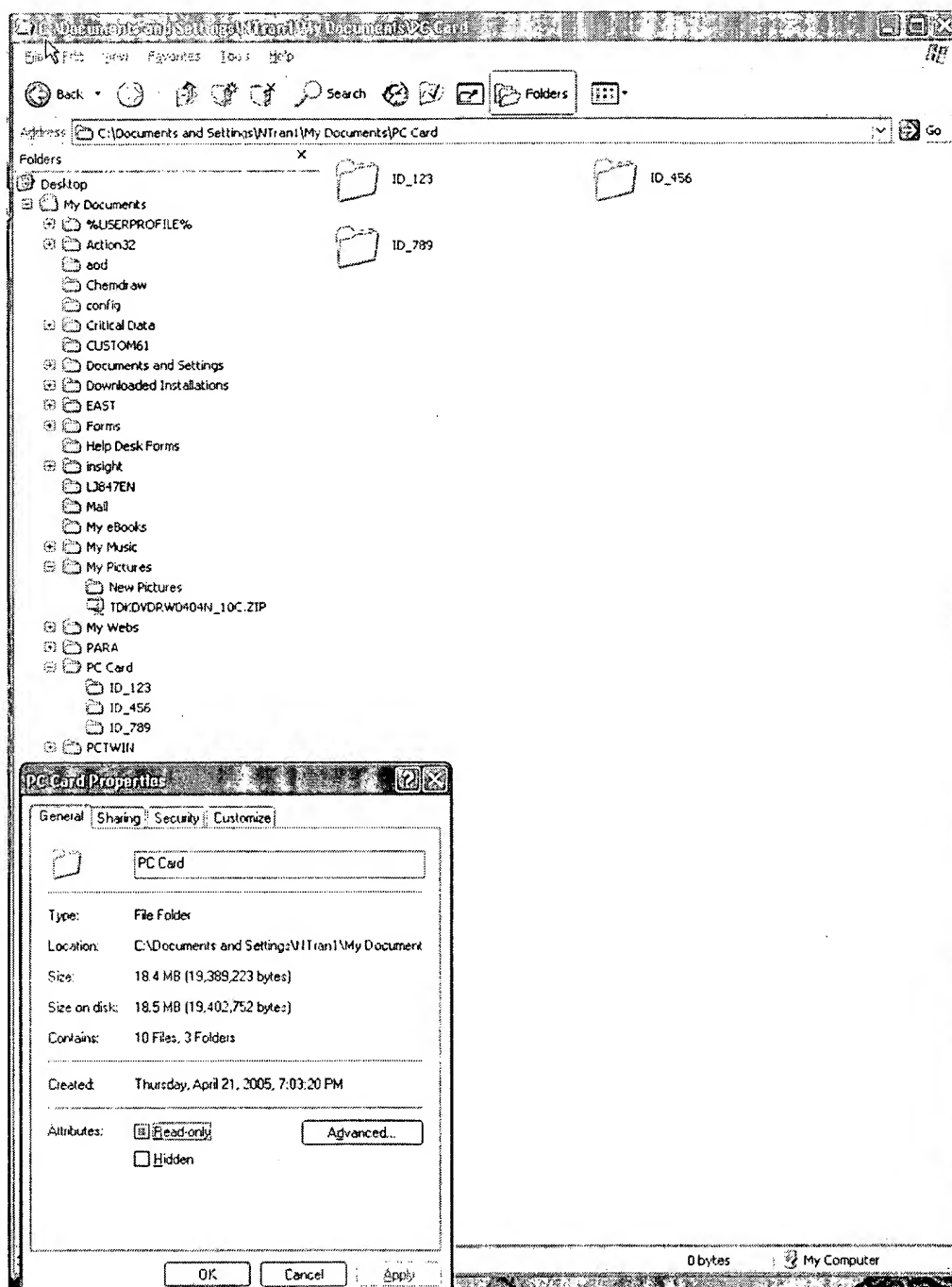
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Demo 2: Microsoft Windows explorer for Windows 95 to Windows XP shows folder ID_456 and a count of the number of image files as "3 objects."

Regarding claim 3, it is clear that the Windows explorer of the Windows Operating System disclosed in Rekimoto further comprising: a total file number detector for detecting a total number of the image files (i.e., 10 image files) recorded in said recording medium; and a total file number displayer for displaying the total number of the image files detected by said total file number detector (see Demo 3).

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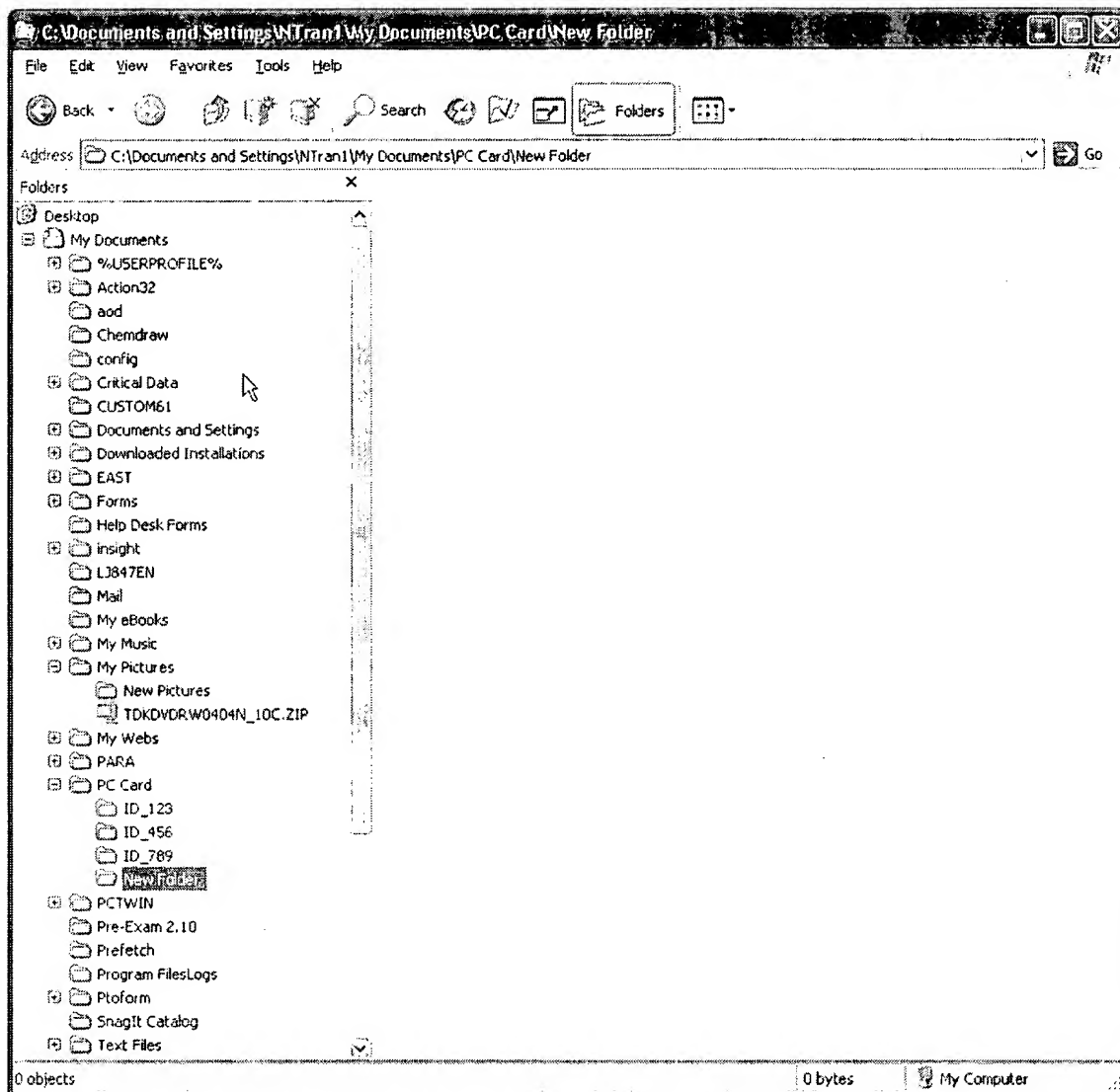


Demo 3: Folder properties within Microsoft Windows explorer for Windows 95 to Windows XP shows total number of images files as “10 files” contained in PC card directory having 3 folders.

Regarding claim 4, it is also seen in Demo 3 that the total file number displayer displays the total number of the image files (10 image files) on the screen (LCD screen 21; see Fig. 1 in Rekimoto) displaying the folder identification number.

Regarding claim 5, see Demo 2, wherein another file/folder identification number (i.e., ID_456) is selected by the selector (a track point, mouse or keyboard) after a display operation of said file number displayer.

Regarding claim 7, as shown in Demo 4, the apparatus further comprises a folder creator (File -> New Folder) for creating a new folder in said recording medium when a folder creating operation is carried out.

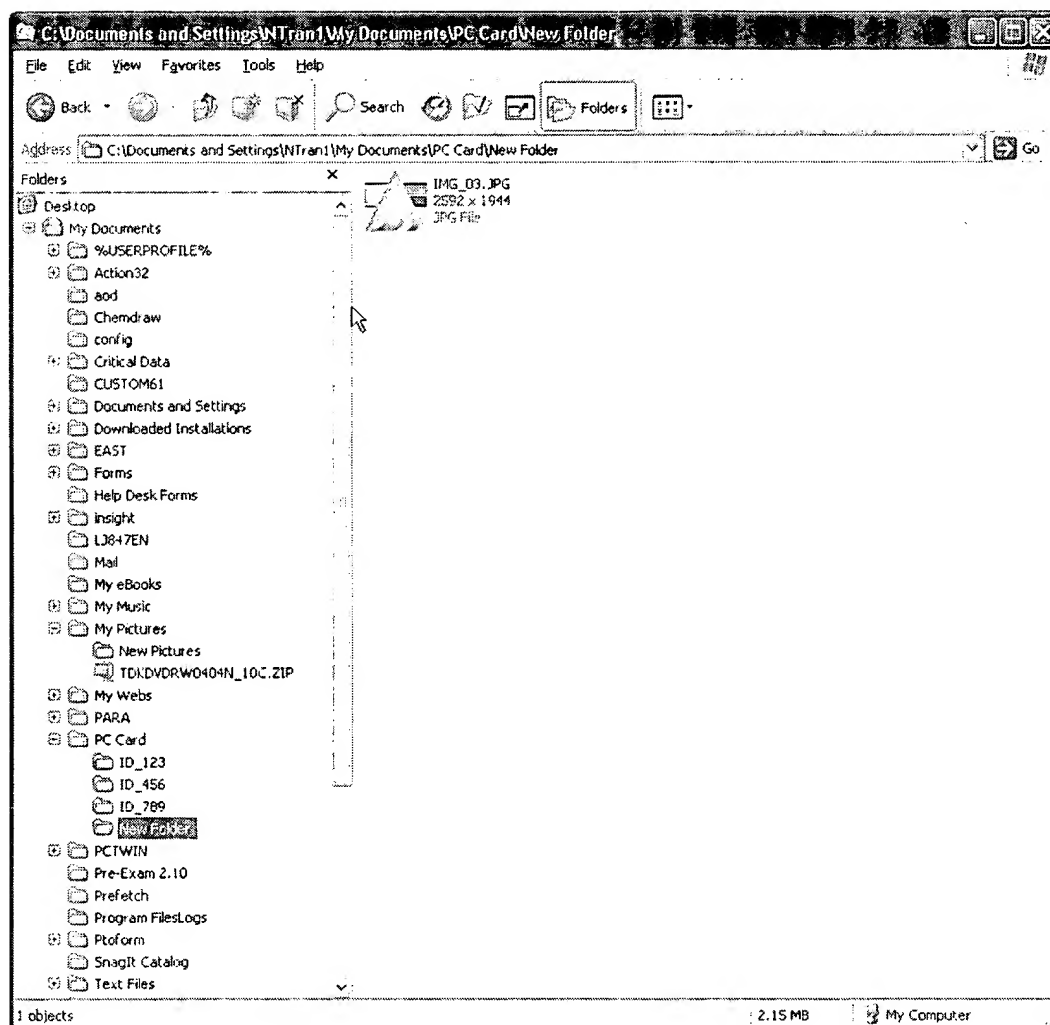


Demo 4: A new folder is created in PC card directory using drop-down file menu
-> new -> folder.

Regarding claim 9, the apparatus further comprises a file mover (drag and drop feature of the Windows Operating System) for moving an image file from a folder to another folder (i.e., moving from folder ID_123 to the new folder) when a file moving operation is carried out, wherein said another folder is arbitrary

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selectable from among the plurality of folders formed in said recording medium
(see Demo 5).



Demo 5: Image file IMG_03.JPG is moved from folder ID_123 to the new folder using drag and drop function.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rekimoto (US 2003/005907 A1) in view of Anderson et al (US 6,507,363 B1).

Regarding claim 8, although Rekimoto discloses a folder creator by the Windows Operating System for creating a new folder in the recording medium (PC memory card) as analyzed in claim 7, Rekimoto does not specifically disclose that when a writing of a file to a designated folder is instructed in a state that the number of files managed by the designated folder indicates a predetermined value, a new folder is created. However, Anderson '363 teaches an imaging apparatus including automatic folder creating function in which another folder is created in a memory card when a current image folder of the memory card is *full* (a maximum number of images per folder is reached) so that cumbersome to retrieve a folder is reduced (see Anderson '363; Fig. 9, steps 466, 456 and col. 7, lines 58-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the imaging apparatus in Rekimoto to include the teaching of Anderson '363 for automatically creating a new folder in the recording medium when a current writing folder is full so that cumbersome to retrieve a folder would be greatly reduced.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.


DAVID OMETZ
SUPERVISORY PATENT EXAMINER